

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GENERAL STAR NATIONAL  
INSURANCE COMPANY,

Plaintiff,

v.

ASSET REALTY LLC dba CENTURY  
21 NORTHWEST, CHARD BARRON  
STOREY,

Defendants.

CASE NO. 2:22-CV-1168-DWC

ORDER SETTING INITIAL PRETRIAL  
DEADLINES

Defendant Asset Realty LLC submitted notice of its pending bankruptcy action under Chapter 11 of the Bankruptcy Code, filed with the United States Bankruptcy Court for the Western District of Washington. Dkt. 21. After reviewing the relevant record, the Court finds an automatic stay applies to Asset Realty; however, this case will proceed against Defendant Chad Barron Storey.

**I. Background**

Plaintiff General Star National Insurance Company (“General Star”) initiated this action for declaratory relief on August 22, 2022. Dkt. 1. The Court held a pretrial status conference on

1 February 14, 2023. Dkt. 20. At the pretrial conference, General Star requested the ability to file  
2 dispositive motions prior to the discovery. Defendants opposed General Star's request and stated  
3 Defendants need to be able to conduct discovery prior to responding to any dispositive motions.  
4 At that time, Defendants had not filed an answer and the deadline to do so had passed. The Court  
5 directed Defendants to file an answer by February 17, 2023, and stated the Court would enter a  
6 pretrial scheduling order after reviewing the answer. *See* Dkt. 20.

7 Defendants did not, and have not, filed an answer. Rather, on February 23, 2023, Asset  
8 Realty submitted notice of its pending bankruptcy action under Chapter 11 of the Bankruptcy  
9 Code, filed with the United States Bankruptcy Court for the Western District of Washington.  
10 Dkt. 21. On February 28, 2023, the Court directed the parties to file a joint status report  
11 providing their position regarding whether this Court should stay this entire matter. Dkt. 22. On  
12 March 10, 2023, the parties filed a joint status report ("JSR"). Dkt. 23.

13 Following review of the JSR, the Court directed the parties to file an additional status  
14 report. *See* Dkt. 24. On May 12, 2023, General Star filed a second joint status report ("Second  
15 JSR"). Dkt. 25. However, Defendants did not participate in the Second JSR. *See id.*

## 16 II. Discussion

17 The filing of the bankruptcy petition invokes the provisions of the automatic stay under  
18 11 U.S.C. § 362 with respect to Defendant Asset Realty LLC. However, as a general rule, the  
19 automatic stay under § 362 is not available to a non-bankrupt co-defendant. *Beardsley v. All Am.*  
20 *Heating, Inc.*, 2007 WL 1521225, at \*2 (W.D. Wash. May 22, 2007). Despite several  
21 opportunities, Defendants have not shown the automatic stay is available to Defendant Storey  
22 and General Star requests this matter proceed against Defendant Storey. *See* Dkts. 23, 25.

Therefore, this matter is stayed as to Defendant Asset Realty and will proceed against Defendant Storey.

### III. Initial Pretrial Scheduling Order

The Court enters the following initial pretrial scheduling order:

Event	Date
Answer Deadline	May 19, 2023
Deadline to file and serve pre-discovery dispositive motions	June 29, 2023

The discovery period will not begin until the Court has issued a ruling on any dispositive motion filed on or before June 29, 2023. If the case has not been resolved by pre-discovery dispositive motions or settlement, a trial date and subsequent pretrial deadlines will be set at that time.

Should this case settle, counsel shall notify the Deputy Clerk as soon as possible. Pursuant to LCR 11(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

Dated this 15th day of May, 2023.



David W. Christel  
Chief United States Magistrate Judge